**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No.21070 OF 2007**

**DATED: 05-10-2007**

**BETWEEN**

Jarabala Lakshmi,
W/o. Hussain,
R/o. Recharla Village,
Chintalapudi Mandal,
West Godavari District
and another.

...PETITIONERS

**AND**

Revenue Divisional Officer,
Eluru, West Godavari District
and another.

...RESPONDENTS

**ORDER:**

Petitioners submit that the Mandal Revenue Officer, Chintalapudi, West Godavari District passed an order in Roc.964/2006 dated 15.02.2007 resuming the land in an extent of Ac.1.00 cents situated in Sy.No.224-7 in Recharla Village, Chintalapudi Mandal on the ground that the said lands assigned in favour of Prodduturi Gangayya has been transferred by the assignee in favour of the first petitioner in contravention of Sub-Section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). They further submit that aggrieved by the said order they filed an appeal before the Revenue Divisional Officer, Eluru under Section 4-A(1) of the Act along with an application for grant of stay but the stay application has been rejected by order in Assignment Appeal Spl. Regr.

No. (D) 3/2007 dated 27.08.2007.

2. The said order has been questioned in this writ petition stating that the Revenue Divisional Officer/appellate authority without assigning any reasons took the appeal on file for enquiry and rejected the stay application. I am of the opinion that when a statutory appeal has been filed within the prescribed time along with a stay application, the appellate authority ought to have considered the contention of the petitioners with regard to their entitlement for grant of stay.

3. Having regard to the facts and circumstances of the case,
the impugned order of the Revenue Divisional Officer rejecting the stay application is set aside and he is directed to consider and dispose the appeal filed on 31.05.2007 in accordance with law as expeditiously as possible without any undue delay and pending disposal of the appeal status quo with regard to possession obtaining as on today shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

October 5, 2007
DSK